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EXAMINER

CHANKONG, DOHM

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/776,689	<b>Applicant(s)</b> DRESDEN, SCOTT	
	<b>Examiner</b> DOHM CHANKONG	<b>Art Unit</b> 2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to Applicant's request for continued examination. Claims 12 and 14 are amended. Claims 1-7 were previously cancelled. Accordingly, claims 8-14 are presented for further examination.

2. This action is a non-final rejection.

#### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/18/2009 has been entered.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 12-14 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments with respect to claims 8-11 have been carefully considered but are not persuasive for the following reasons. First, after carefully reviewing the cited references, Duckett, Santos, and Copley, the examiner is making a change in the reasons for combining the references. In previous rejections, the examiner failed to notice that Duckett *already disclosed replaying saved user actions based on specific demographic information*. Specifically, Duckett discloses that "[f]or example it is possible to provide real

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time displays and or reports showing the following amongst other things: Number of visitors per unit time, Number of new customers, Number of customers who ordered, Number of customers by location” [0195-0199]. In this disclosure, the location of customers or the fact that the customers are new are examples of statistical information. Since Duckett already discloses utilizing demographic information (or statistical information) "in correlation with" replaying user actions, Santos and Copley are merely relied upon to teach *how that demographic information is obtained*.

According to Applicant's arguments, considerable weight should be placed on the fact that Copley discloses using demographic data for the purpose of generating a playlist. However, as discussed above, Duckett already discloses utilizing demographic information and therefore does not need to be modified to include Copley's teaching of how the demographic information is used. Rather, because Duckett *is silent as to how the demographic information is obtained*, what one of ordinary skill in the art would be interested in is Copley's teaching of utilizing a feature which prompts a user to enter in the demographic information and then return the user back to the original page. Copley's teaching provides one method of obtaining such information.

Santos teaches utilizing a “survey” for similar purposes and using that information to organize the users into different segments. Like Duckett, Santos teaches replaying the recorded usage information in correlation with the statistical information [*Duckett*, 0194-0199 & *Santos*, 0016-17]. Thus, the rejection is modifying Duckett to include Copley and Santos' methods of obtaining the demographic information. This modification is an example of applying a known technique (prompting a user to enter demographic information) to a known method ready for

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improvement (Duckett's method for replaying collected user actions based on demographic information) to yield predictable results (collecting user information).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Duckett et al, U.S. Patent Publication No. 2003|0053420 ["Duckett"], in view of Santos et al, U.S. Patent Publication No. 2004|0176992 ["Santos"], in further view of Copley et al, U.S. Patent Publication No. 2003|0061305 ["Copley"].

6. As to claim 8, Duckett does not expressly disclose the features related to the initial content menu screen. Duckett does not disclose displaying an initial content menu screen or that when a content user chooses a desired link from the initial content menu screen, prompting the content user for statistical information and storing the statistical information in an electronic database, or after successfully entering the statistical information, returning to a first content screen including links to a plurality of content screens. However, all three limitations were well known features in the art as evidenced by Santos and Copley.

Copley discloses displaying an initial content menu screen with at least one link [0070:

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Copley discloses an “original page”] and when a content user chooses a desired link from the initial screen, prompting the content user for statistical information [0070: “[u]pon execution” the user is redirected to a form asking about demographic data], and after successfully entering the statistical information, returning a first content screen [0070: user is redirected back to the original page after submitting demographic information]. Copley teaches the well known feature of requesting a user for personal information prior to delivering content to the user so as to obtain useful information about the user. It would have been obvious to one of ordinary skill in the art to have modified Duckett's method to include Copley's demographic information functionality so as to request the useful information from the user. Santos discloses that this information is especially useful in click-flow tracking methods such as those taught by Duckett and claimed by Applicant. For example, Santos discloses that demographic data obtained from a customer can be used to develop better simulations of web-page activity which provides better evaluations of a website [0014, 0027]. Therefore, one of ordinary skill in the art would have been motivated to modify Duckett's tracking system in order to provide better website simulations based on user demographic information. Additionally, Santos discloses replaying the recording of the users' choices in correlation with the statistical information [0016: replaying a session based on customer segments which is derived from the statistical demographic information collected from the user].

7. For the following claim rejections, all citations are to Duckett unless otherwise noted.

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8. As to claim 8, Duckett as modified by Copley and Santos discloses a method for tracking and presenting information regarding the behavior of a plurality of users on a series of web pages, include the acts of:

displaying an initial content menu screen with at least one link [Copley, 0070];

when a content user chooses a desired link from the initial content menu screen, prompting the content user for statistical information when said content user chooses a desired link and storing said information on an electronic database [Copley, 0070 & Santos, 0027];

after the content user has successfully entered the statistical information, returning to a first content screen including links to a plurality of content screens [Copley, 0070: redirected back to the original page];

recording links selected by the user from first content screen as long as said users' choices are recordable [0022, 0024, 0126]; and

replaying the recording of at least one of the choices selected by the user in the perspective of the user and in correlation with the statistical information in a browser simulator [0156, 0194 – replay as a “virtual video” of the user interactions & Santos, 0016, 0017 – replaying based on demographic information].

9. As to claim 9, Duckett as modified by Santos and Copley discloses the act of recording the time said user takes between each link [Figure 6 - use of event time stamps].

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10. As to claim 10, Duckett as modified by Santos and Copley discloses said replaying step includes replaying a plurality of users' [0157 & Santos, 0016 – replaying a session for an entire customer segment].

11. As to claim 11, Duckett as modified by Santos and Copley discloses said replaying steps includes selecting a criteria from said statistical information entered by said user [0183-0186 – selecting a filter & Santos, 0016 – selecting a specific customer segment such as “customers who are on a budget”].

12. Claims 12 and 13 are rejected under 35 U.S.C. §102(e) as being anticipated by Santos et al, U.S. Patent Publication No. 2004|0176992 ["Santos"], in view of Rowley et al, U.S. Patent No. 7.296.080 ["Rowley"].

13. All citations are to Santos unless otherwise noted.

14. As to claim 12, Santos discloses a method for tracking and presenting information regarding the behavior of a plurality of users on a series of web pages, include the acts of:

indexing a plurality of site visitors [0017, 0018: grouping customers by customer data and segmentation rules];

detecting an activation event caused by the site visitors [0027: detecting user's interactions with a website];

recording at least one action of each of the site visitors, and storing the at least one action



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in accessible electronic storage [0014, 0027: information stored in a database];

selecting an index criteria, said criteria based on criteria action from the at least one recorded action [0027: index criteria such as demographic information];

recalling all stored actions from all indexed recorded data matching the index criteria [0020, 0028: collecting all actions related to the same group of customers or customer segments];

statistically compiling said recalled stored actions [0016, 0020: statistically compiling the collection actions];

presenting said statistically compiled actions into at least one browser simulation [0016] being displayed on a display [*Rowley*, column 2 «lines 23-32» and column 7 «lines 52-63»].

Santos does not expressly disclose displaying the statistically compiled actions on a display. However, such a feature was well known in the art at the time of Applicant's invention as evidenced by *Rowley*. Like Santos, *Rowley* is directed to a system for using collected recorded user actions to simulate a network connection [*Santos*, 0014-0016 & *Rowley*, column 1 «lines 50-57»]. *Rowley* improves upon Santos' invention by including a display that allows users to graphically view the actions of the simulation. One benefit of a display is that it enables users to quickly navigate through the actions of the simulation [*Rowley*, column 7 «lines 15-17»]. Modifying Santos to include a display (to display Santos' statistically compiled actions) is merely an example of using a known technique (*Rowley*'s display of a simulation of collected user actions) to improve similar devices (Santos' simulation of statistically compiled user actions) in the same way (allow users of Santos' system to view the simulation).

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15. As to claim 13, Santos discloses said indexing step includes said timing of sub actions [0027: how long the customer typically accesses the site].

16. Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Santos and Rowley, in view of Hentzel et al, U.S. Patent No. 6.877.007 [“Hentzel”].

17. All citations are to Santos unless otherwise noted.

18. As to claim 7, Santos discloses a system for studying the behavior of visitors to an Internet site including:

an indexing system for identifying a plurality of visitors [0017, 0018: grouping customers by customer data and segmentation rules];

an event initiation module for triggering the recording of the browser behavior of each of the plurality of visitors [Figure 1 «item 20» | 0026: agent gathering the data when a customer starts browsing the website];

an event termination module for terminating the recording of the browser behavior [Hentzel, column 13 «lines 3-15»];

data storage coupled with said Internet site [Figure 1 «item 14»];

a behavior organization module coupled with said data storage, said behavior organization module configured to retrieve selected recordings from said at least one recording and compile data representative of at least some of the visitors browser behavior, wherein said behavior organization module uses at least one criteria to select the selected recordings [Figure

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«item 16» | 0027: the mining system collects and aggregates the collected data based on customer segments]; and

a browser simulator configured to take data from said behavior organization module [Figure 1 «item 56» | 0016] and to display a browser simulation based on said compiled data representing the browser behavior of at least some of the plurality of visitors [*Rowley*, column 2 «lines 23-32» and column 7 «lines 52-63» (see rejection of claim 12 for motivation to combine)].

Santos does not expressly disclose an event termination module for terminating the recording of said browser behavior. However a module that terminates the recording of browser behavior was well known in the art at the time of Applicant's invention as evidenced by Hentzel. Like Santos, Hentzel is directed a system for tracking a user's interaction with web pages [abstract]. Hentzel discloses a termination module that terminates the recording of a browser's behavior [column 13 «lines 3-15»]. It would have been obvious to one of ordinary skill in the art to have modified Santos' tracking system to include a termination module as taught by Hentzel. The use of a termination module would improve Santos as it would provide a signal to Santos' tracking system to terminate the recording of the browser behavior.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571.272.3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dohm Chankong/  
Examiner, Art Unit 2452